

# EXHIBIT D

**FILED**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUN 25 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ALEXANDER HERD, individually; A. G.,  
by and through her guardian ad litem  
Amanda Addington, individually and as  
successor in interest to James Gleason,  
deceased,

Plaintiffs-Appellees,

v.

CITY OF FONTANA; JASON  
PERNICIARO,

Defendants-Appellants,

and

COUNTY OF SAN BERNARDINO; et al.,

Defendants.

ALEXANDER HERD, individually; A. G.,  
by and through her guardian ad litem  
Amanda Addington, individually and as  
successor in interest to James Gleason,  
deceased,

Plaintiffs-Appellees,

v.

BRIAN LEYVA,

Defendant-Appellant,

No. 19-56494

D.C. No.  
5:17-cv-02545-AB-SP  
Central District of California,  
Riverside

ORDER

No. 19-56517

D.C. No.  
5:17-cv-02545-AB-SP  
Central District of California,  
Riverside

and

STATE OF CALIFORNIA; et al.,

Defendants.

Before: GRABER, WARDLAW, and R. NELSON, Circuit Judges.

Appellees' motion to dismiss these consolidated appeals for lack of jurisdiction (Docket Entry No. 13) is granted. *See* 28 U.S.C. § 1291; *Alston v. 96 Read*, 663 F.3d 1094, 1098 (9th Cir. 2011) (pretrial order denying immunity is reviewable only to the extent it raises an issue of law); *Maropoulos v. Cty. of Los Angeles*, 560 F.3d 974, 975 (9th Cir. 2009) (per curiam) (*citing Johnson v. Jones*, 515 U.S. 304, 307 (1995)) (an order denying qualified immunity on the ground that a genuine issue of material fact exists is not a final, immediately appealable order).

**DISMISSED.**